

REMARKS

Claim 39 is amended. Claims 39-48 remain active in this case.

Applicants wish to thank Examiner Sznaidman for the recent helpful and courteous discussion conducted with their U.S. representative, Mr. William Beaumont. In accordance with the remarks made during the discussion, claim 39 is now amended. Applicants wish to make the following remarks.

The present invention relates to a method of treating tumors associated with a hyperactivation of the signaling pathway of the Hedgehog protein, which tumors are medulloblastomas, glioblastomas, oligodendrogliomas, basal cell carcinoma, trichoepithelioma, rhabdomyosarcoma and tumors of the kidney.

Claims 39-42 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Haak et al. in view of Goodman and Gilman (The Pharmaceutical Basis of Therapeutics).

However, this reference fails to either disclose or suggest the claimed invention.

Haak et al. merely describe that the use of a progesterone antagonist, medroxyprogesterone acetate, which is an active ingredient commonly prescribed for the treatment of hormone-dependent cancers, has no effect on meningioma. This shows that a molecule that treats a specific hormone-dependant cancer will not necessarily be efficient-or even effective-for the treatment of other hormone-dependant cancers. Meningioma is a progesterone-dependant cancer, and, hence, also a hormone-dependant cancer.

This example also demonstrates that all cancers are not necessarily treated the same way. For example, a melanoma may be treated by surgical excision and/or

chemotherapy with interferon, whereas breast cancer can be treated with
hormonotherapy.

Consequently, even if the artisan had knowledge of the treatment of meningioma (a hormone-dependant cancer through progesterone receptor) from Haak et al., the artisan would obtain neither motivation nor enablement from Haak et al. to use mifepristone or a salt thereof for the treatment of any other cancers.

Clearly, this reference would have neither disclosed nor suggested to one skilled in the art that mifepristone or a salt thereof could have been used to treat the cancers claimed in claim 39, at the time the claimed invention was made.

Goodman and Gilman fail to correct the deficiencies of Haak et al., as the former merely disclose that dose regimen optimization is routine in the pharmaceutical art. See page 5 of the Official Action.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claims 43-45 and 47 and 48 stand rejected under U.S.C. 103(a) as being unpatentable over Haak et al. in view of Goodman and Gilman and further in view of Bastin et al. (Organic Process Research Development).

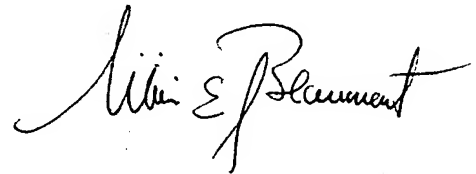
However, Bastin et al. fails to correct the deficiencies of both Haak et al. and Goodman and Gilman. In particular, Bastin et al. merely discloses that making salts of known drugs is well-known in the pharmaceutical art. Clearly, even the combined disclosures of Haak et al., Goodman and Gilman and Bastin et al. would have failed to render the claimed invention obvious to one skilled in the art at the time it was made.

However, this ground of rejection is deemed unsustainable and should be withdrawn.

Applicants also gratefully acknowledge the listing of withdrawn objections and/or rejections set forth at page 9 of the Official Action.

Accordingly, in view of all of the above, it is believed that this application now stands in condition for allowance. Favorable consideration to this effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Beaumont". The signature is fluid and cursive, with the first name "William" and last name "Beaumont" clearly legible, and "E." as a middle initial.

William E. Beaumont
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